Nova Scotia

ANNUAL REPORT

for the year
ending Dec. 31, 1984

Environmental Control Council

To His Honour
The Honourable Alan R. Abraham, C.D.
Lieutenant Governor of Nova Scotia

May it please Your Honour:

I have the honour to submit the Annual Report of the Nova Scotia Environmental Control Council for the year ending December 31, 1984.

I have the honour to be, Sir:

Your most obedient servant,

George Moody

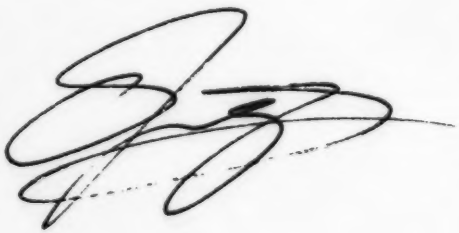
George Moody
Minister

Honourable George Moody
Minister
Department of the Environment
Province of Nova Scotia

Dear Sir:

I have the honour to submit the Annual Report of the Nova Scotia Environmental Control Council for the year ending December 31, 1984.

Respectfully submitted,



Morris J. Haugg
Chairman

INTRODUCTION

The Nova Scotia Environmental Control Council is a 12- to 15-member citizens advisory board to the Minister of the Environment. The Council was established under the Environmental Protection Act, SNS 1973 c.6.

This Annual Report is submitted under Section 16 of the Environmental Protection Act and describes Council activities during the 1984 calendar year.

STRUCTURE

The Environmental Protection Act sets out the composition, function, and responsibilities of the Environmental Control Council. The 12 to 15 members are appointed by the Governor in Council to represent 11 specified disciplines. In addition, the Deputy Minister of the Environment is an *ex-officio* member of Council.

Membership of Council during 1984 was as follows:

Executive Members

Morris J. Haugg, Amherst — Chairman and Member at Large
Paul Buxton, Annapolis Royal — Engineering
Murdena Carmichael, South Haven, Victoria County — Member at Large

Members

J. Fraser Dunn, Antigonish — Member at Large (term expired August 31, 1984)
Amos Lewis, Hampton, Annapolis County — Agriculture (term expired August 31, 1984)
R. Vernon King, Waverley, Halifax County — Industry (term expired May 31, 1984)
Larry MacKenzie, Yarmouth — Fishery (term expired May 31, 1984)
R.K. MacKinnon, Liverpool — Forestry (term expired August 31, 1984)
Harry Munro, New Glasgow — Legal
R. Wendall Phinney, Kentville — Municipal (term expired August 31, 1984)
Roydon B. Vail, Kentville — Member at Large (term expired August 31, 1984)
David R. Roberts, Bedford — Conservation (appointed January 9, 1984)
Douglas Hale, Waterville, Kings County — Academic (appointed January 9, 1984)
Richard Rawlins, Hantsport — Forestry (appointed October 1, 1984)
Sylvia Lawton, Dartmouth — Member at Large (appointed October 1, 1984)

Henry Cook, Bridgewater — Municipal (appointed October 1, 1984)
Stephen Craig, Lower Sackville — Industry (appointed October 1, 1984)
David MacGibbon, New Waterford — Member at Large (appointed October 1, 1984)
Ronald R. Durling, Bridgewater — Medicine (appointed May 1, 1984)
Alex Hines, New Waterford — Labor (appointed May 1, 1984)
Rodney Banks, Kingston — Agriculture (appointed November 29, 1984)

Deputy Minister Arthur R. Abbott is *ex-officio* member, attending both Executive and Council meetings. James MacDonald, Sydney, Secretary and Chief Executive Officer, and Donna McCready, Research Co-ordinator, attend Executive and Council meetings. During 1984, most of the existing vacancies were filled. By year's end, only the Fisheries category remains vacant.

Council enjoyed good relations with the Department and the Minister during 1984. The Honourable George Moody was Minister throughout the year.

In December, when Council had an almost full complement, five committees were established: Acid Precipitation, Water Resource Management, Pesticides, Hazardous Wastes, Environmental Management/Education/Public Participation.

MEETINGS

Council held five meetings in 1984: three in Halifax, one in Wolfville, and one in Sydney. The Executive met eight times, seven in Halifax, and one in Wolfville. Additional meetings of the Tidewater Hearing Committee are identified later in this report.

The schedule of meetings was as follows:

Executive

January 15	Halifax
February 3	Halifax
February 28	Halifax
March 16	Halifax
April 8	Wolfville
May 1	Halifax
September 19	Halifax
November 29-30	Halifax

Council

January 15-16	Halifax
April 8-9	Wolfville
June 6	Halifax
August 11	Sydney
December 9-10	Halifax

HEARINGS

Report on the Proposed Tidewater Quarry

Under Section 17(2) of the Environmental Protection Act, the Minister may authorize Council to "conduct and hold hearings ... and report and make recommendations to him ...."

On February 13, 1984, the Honourable George Moody, Minister of the Environment, instructed the Environmental Control Council to conduct a public hearing on a quarry operation proposed by Tidewater Construction Company Limited to be located on Rocky Lake Road, Halifax County.

In response to the Minister's instruction, the Chairman of the Council established a committee, comprising Morris J. Haugg, Chairman; James MacDonald, Executive Secretary; Paul Buxton, Executive Member; Murdena Carmichael, Executive Member; and David Roberts, Member. Greg Evans of the Attorney General's Office assisted the Committee during the Hearing.

A Notice of Hearing was prepared and inserted in newspapers circulated throughout the Greater Halifax Metropolitan Area and in the Royal Gazette, as prescribed by the Rules of Hearing.

On February 28, the Committee held an initial pre-hearing meeting with the major parties to the Hearing. These were: Tidewater Construction Company Limited (the proponent); Waverley Ratepayers' Association; and the Nova Scotia Department of the Environment.

On March 16, the Committee (with the exception of Mr. MacDonald, who toured the site independently at a later date) toured the proposed site with staff members of the Department of the Environment. The Committee also visited an existing quarry adjacent to the proposed site.

By late March, it appeared that all parties would require additional preparation time, and it was agreed that the presentation of evidence would be postponed. The Committee informed all parties and the news media that the Hearing would convene as scheduled on April 10, but that it would adjourn immediately.

Following adjournment on April 10, the parties met with the Committee, and reached agreement on outstanding information requirements.

On Tuesday, May 22, the Hearing reconvened and continued through Wednesday, May 23, and Thursday, May 24. There was an evening session on May 22. Although the Hearing adjourned to June, the Committee provided an opportunity on May 24 for members of the public to make brief presentations. Two persons made brief statements to the Committee.

The Hearing reconvened on Wednesday, June 20, and continued through June 21. All sessions were held at the Gerald J. LeBrun Memorial Centre, Bedford.

On August 6, 1984, the Chairman submitted the report and recommendations to the Minister. The Committee recommended approval of the Tidewater proposal, but made several recommendations for continuing environmental protection. Major recommendations included the establishment of a government/operator/citizen monitoring board and the development of regional environmental standards.

The Minister released the report on September 12, 1984, and announced that a committee would be established to define regional environmental standards. These standards are to be in place before the quarry proposal is considered further.

Additional Recommendations

In the course of the Tidewater Hearing, Council identified three related areas of concern: project evaluation procedures; the hearing process itself; and the status of the quarry regulations proposed by the Department in 1975. Following submission of the report, Council considered these areas and submitted further recommendations to the Minister.

Project Evaluation Procedures

The Hearing Committee was disturbed by the apparent lack of co-ordination among the various agencies and levels of government during review of proposals such as that for the Tidewater

Quarry. This lack of communication and failure to co-ordinate reviews, it was feared, was depriving the public of an opportunity to evaluate any given proposal on the basis of complete information. The committee was of the opinion that the "lack of planned, co-ordinated and publicized opportunity for public input has increased the frustration of both the proponent and the community, and has led to unnecessary expenditures (by) both parties as well as government."

Council endorsed the Committee's recommendation that the Minister and Department "undertake development and implementation of a formal Environmental Impact Assessment Process, including a well-defined opportunity for public consultation." Council also recommended that any proposed process be discussed with a variety of interested parties outside of government.

Pit and Quarry Regulations (Proposed)

The uncertain status of the Pit and Quarry Regulations, proposed in 1978 but never enacted, generated considerable discussion during the Hearing. Both the proponent and the citizens' group expressed dissatisfaction with the existing situation.

Council recommended that the status of the regulations be clarified through a process of evalution leading to enactment and that existing operations be given a two-year period following proclamation in which to comply.

Hearing Procedures

Over the past few years, hearings have become increasingly sophisticated, with greater participation by lawyers and other professionals representing various points of view. Council is concerned that: (a) the existing hearing procedures do not encompass recently implemented practices, such as the prehearing meetings of all parties; and (b) the increased sophistication results in a requirement for increased financial, time, and resource commitment by participants, and may preclude some members of the general public from participating.

Council is reviewing the hearing procedures with the intention of adapting them to the process as it has evolved over the

past few years. Depending upon departmental response to the recommendation for an Environmental Impact Assessment Process, consultative means of public participation may be implemented, reducing the ministerial and public need for the formal adversarial process of the hearing.

ACTIVITIES AND STUDIES

Environmental Awards — 1983

The sixth annual Environmental Awards were presented by the Premier and the Minister in June. For the first time, more than one Award was presented in some categories. Recipients were:

(1) Youth — Springfield Consolidated School
Colchester Boy Scouts
Guysborough Municipal High School

(2) Professional — James Gordon Ogden III, Ph.D., Halifax (Award)
Lino L. Polegato, Sydney (Certificate of Merit)

(3) Individual — Heather and Gerald Cross, Dartmouth

(4) Citizen Groups — Ducks Unlimited, Amherst (Award)
Shubenacadie Lakes Advisory Board (Award)
Community Planning Association of Canada (NS), Dartmouth (Certificate of Merit)
Richmond County Forest Workers Association (Certificate of Merit)

(5) Government — Keith Weatherhead, East Hants (Award)
Land Resources Co-ordinating Commitee of Voluntary Planning (Certificate of Merit)
Michael Simmons, Deputy Ministers' Land Use Committee (Certificate of Merit)
Town of New Waterford (Certificate of Merit)

(6) Industrial — Thorburn Mining Ltd., Pictou County (Award)
Fish Reduction Ltd., Pictou County (Award)
Cape Breton Development Corp. (Certificate of Merit)
Aerovox Canada Ltd., Amherst (Certificate of Merit)

Highway 107 By-pass

In late 1983, Council was contacted by a Lake Charles area resident who was concerned about potential impacts of the Department of Transportation proposal for construction of the Highway 107 By-pass. When contacted, the Department of the Environment indicated that they had suggested mitigative measures following identification of similar concerns. The Chairman discussed the matter with the Minister, and meetings were held by the Department with the citizens.

Abrams River Dumpsite, Yarmouth County

A Council member introduced a brief prepared by citizens to express concern about the proposed expansion of a "temporary" dumpsite in Yarmouth County. Following a meeting of the Department with the municipality and the citizens, it appeared that the issue was resolved.

Union of Nova Scotia Municipalities Resolutions

Council's municipal representative forwarded two resolutions, on derelict vehicles and on hazardous wastes. Council had been interested in both of these issues and had completed a major study in 1982 on derelict vehicle legislation in North America. During the year it appeared that the Department might introduce a derelict vehicle program. By year's end, however, budget constraints seemed certain to make this impossible.

The hazardous wastes resolution coincided with a briefing session on the status of hazardous wastes management by Department staff. Council later provided comments to the Department on two draft information sheets, for industry and for householders. By year's end, it appeared that there would be progress on technical studies. Some progress was indicated on public participation when Council was contacted by a consulting firm in connection with a public information/consultation strategy. Following a meeting with the consultants in December, the Hazardous Wastes committee was charged with identifying Council's priorities in hazardous wastes management and possible contributions of Council to the process.

Acid Precipitation

Although Council has continued to keep informed on this issue, no major studies or projects were undertaken during the year. The new Acid Precipitation committee of Council has received background material, and a background session for all Council members is being planned for early 1985.

Open-Pit Mining

Council was not involved in the review of any proposal for open-pit mining in the province. Based on a fairly extensive study of modern operational and rehabilitation practices, however, Council expressed concern at the rejection of a proposal without a more thorough identification and evaluation of the environmental questions.

Ministerial Orders

Copies of Ministerial Orders were received and acknowledged by Council.

Compliance Order — Wedgeport Enterprises Ltd., Yarmouth County, April 18, 1984
Stop Order — Reddy Group Ltd., Halifax County, September 12, 1984
Stop Order — Nova Construction Ltd., Beachmont Rd., Cape Breton County, September 12, 1984
Stop Order — Mr. Burton Snair, Cleveland Lake, Halifax County, September 17, 1984
Stop Order — Mr. Ira Leslie, River Lake, Halifax County, October 24, 1984
Stop Order — Dartmouth Salvage (1978) Ltd., Dartmouth, November 1, 1984
Compliance Order — Maritime Waste Oil Services Ltd., Halifax County, November 1, 1984

The majority of these Orders were related to water course protection, and would appear to reflect a more aggressive approach to violations by the Department.

Amendments to Environmental Protection Act

The proposed amendments to the sections of the Environmental Protection Act, prepared in 1982, were resubmitted at the request of the Deputy Minister.

Council Brochure

A descriptive brochure on Council was completed, and distribution begun. Copies were provided to the Union of Nova Scotia Municipalities for distribution at their annual conference.

Water Resource Management

The recognition of water resource management as a vital environmental concern led to activity on both the federal and provincial levels. Council has received the background document to the Inquiry on Federal Water Policy and will be reviewing the final report of the Inquiry when it is available. In addition, Council will be reviewing the proceedings of a symposium held at the Technical University of Nova Scotia, with the objective of developing recommendations to the Minister. Council is especially encouraged by the emphasis on public consulation identified in both of these processes.

ADVICE AND RECOMMENDATIONS TO THE MINISTER

Pesticides

Much of Council's advice to the Minister is given in response to an informal request or to draw a specific issue or piece of information to the Minister's attention. Less frequently, the Minister makes a formal request for advice which results in extensive study and submission of a report and recommendations. In late 1983, the Minister made a formal request for advice and recommendations on the use of pesticides. This resulted in considerable discussion and the submission in February, 1984 of a report and recommendations to the Minister.

Council's recommendations fell into three broad categories — general, immediate, and long-term. The general recommendations were concerned primarily with public education and public consultation. While Council recommended the continued use of any safe tool for resource management, the need was stressed for improved public notification and for public consultation as part of the evaluation of proposed activities.

The short-term recommendations, while supporting the continued use of chemicals in forest management, again emphasized the need for improved public notification of pesticide programs and government evaluation procedures. An additional recommendation was for the provision of a neutral forum for public discussion of pesticide use and related resource management strategies.

The major long-term recommendations included development of legislation to provide a framework for pesticides decisions and establishment of a pesticides advisory board. Other recommendations addressed agricultural use of chemicals and improved efforts in community relations by the Department.

By the end of 1984, some of the recommendations had been implemented, including the posting of areas where spraying is planned. Monitoring had been increased during the 1984 season, and there were fewer accidents and fewer complaints associated with the forest spray operation. Council was also informed that the Department was investigating questions related to legislation and that public information was being prepared.

SPECIAL PRESENTATIONS

During 1984, Council continued its practice of holding special educational sessions for Council members in conjunction with regular meetings. Because of the importance of the pesticides issue, two sessions were devoted to background on the history and regulatory status of pesticides use in the province. In addition, Council was able to arrange an informal evening session with major speakers attending the "Pesticides in Perspective" seminar in April.

In December, Council Executive and staff conducted an introduction to Council for new members. Environmental education programs and materials were introduced by representatives of the provincial and federal environment departments. This included a description of the federal public consultation policy.